

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

DRAKE A. EDWARDS,

Plaintiff,

vs.

CITY OF DAYTON, et al.,

Defendants.

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Case No. 3:07cv438

JUDGE WALTER HERBERT RICE

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DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS  
OF UNITED STATES MAGISTRATE JUDGE (DOC. #3) IN THEIR  
ENTIRETY; FILINGS BY *PRO SE* DEFENDANT IN OPPOSITION THERETO  
(DOCS. #4 THROUGH #7) OVERRULED; MOTION TO ADD PARTIES  
DEFENDANTS AND TO DROP DEFENDANT COLEMAN (DOC. #7)  
OVERRULED; CAPTIONED CAUSE DISMISSED, WITHOUT PREJUDICE;  
ANTICIPATED MOTION FOR LEAVE TO APPEAL *IN FORMA PAUPERIS*  
DENIED; TERMINATION ENTRY

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Pursuant to the reasoning and citations of authority set forth by the United States Magistrate Judge, in her Report and Recommendations filed November 15, 2007 (Doc. #3), said Report and Recommendations are adopted in their entirety. The *Pro Se* Plaintiff's Motion to have "Court Overturn Overrule Dismissal of Sua Sponte (Doc. #4), Motion for Dismissal "to Proceed in Forma Pauperis Overturn Overruled (Doc. #5), Motion for Continuance to Detain Pro Se Counselor (Doc. #6) and Motion to Add Mark Donaldson and Beverly Clark to Lawsuit and Remove

Officer Coleman and [for] Continuance to Detain Pro Se Counselor (Doc. #7) are, each in their entirety, overruled.

With regard to the Defendant's filings, the Magistrate Judge is correct that the Plaintiff's Pro Se Complaint fails to set forth, in any manner, a claim for relief under federal law. Moreover, the Defendant's filings (Docs. #4 through #7), to the extent that they seek a continuance to secure pro se counsel, were filed November 29, December 27, respectively. Over one month has elapsed since the latter of these two filings, and no counsel has entered his/her representation of Plaintiff. Moreover, to add Defendants Mark Donaldson and Beverly Clark would not serve to set forth a federal claim upon which relief can be granted.

Although not questioning, in any manner, the subjective good faith of this Plaintiff, his Complaint is, indeed, objectively frivolous. Accordingly, the captioned cause is dismissed, for failure to state a claim upon which relief can be granted, without prejudice, with the Court denying an anticipated leave to appeal *in forma pauperis*. Judgment will be entered accordingly.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

January 29, 2008

/s/ Walter Herbert Rice

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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

Drake A. Edwards, Pro Se